

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
SOUTHERN DIVISION

CARL BARNETT,

Plaintiff,

v.

WALMART, INC. d/b/a WALMART,

Defendant.

USDC Case No. 2:20-CV-13127

Hon: _____

Case No.: 20-013861-NO

Hon.: Muriel Hughes

JENNIFER G. DAMICO (P51403)
BUCKFIRE LAW FIRM
Attorney for Plaintiff
29000 Inkster Road, Ste. 150
Southfield, MI 48034
(248) 569-4646 | Fax: 248) 281-1886
Email: jennifer@buckfirelaw.com

RICHARD G. SZYMCZAK (P29230)
PLUNKETT COONEY
Attorney for Defendant
38505 Woodward Ave., Ste. 100
Bloomfield Hills, MI 48304
(810) 342-7007 | Fax: (248) 901-4040
rszymczak@plunkettcooney.com

NOTICE OF FILING REMOVAL

NOTICE OF REMOVAL TO FEDERAL COURT
VERIFICATION

CERTIFICATE OF SERVICE

Respectfully submitted,

PLUNKETT COONEY

By: /s/*Richard G. Szymczak*

Richard G. Szymczak (P29230)
Attorney for Defendant
38505 Woodward Ave., Ste.100
Bloomfield Hills, MI 48304
(810) 342-7007

Dated: November 25, 2020

STAT OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CARL BARNETT,

Plaintiff,

Case No. 20-013861-NO
Hon.: Muriel Hughes

vs.

WALMART, INC. d/b/a WALMART,
a misidentification of WAL-MART
STORES EAST, LP,

Defendant.

JENNIFER G. DAMICO (P51403)
BUCKFIRE LAW FIRM
Attorney for Plaintiff
29000 Inkster Road, Ste. 150
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NOTICE OF FILING REMOVAL

TO:

JENNIFER G. DAMICO (P51403)
BUCKFIRE LAW FIRM
Attorney for Plaintiff
29000 Inkster Road, Ste. 150
Southfield, MI 48034
(248) 569-4646 | Fax: 248) 281-1886
Email: jennifer@buckfirelaw.com

Wayne County Circuit Court
Clerk of the Court
2 Woodward Avenue
Detroit, MI 48226

PLEASE TAKE NOTICE that this Defendant WALMART, INC. d/b/a WALMART has this day filed a Notice of Removal, a copy of which is attached hereto, in the office of the Clerk of the United States District Court, Eastern District of Michigan, Southern Division.

PLUNKETT COONEY

By: /s/**Richard G. Szymczak**
Richard G. Szymczak (P29230)
Attorney for Defendant
38505 Woodward Ave., Ste. 100
Bloomfield Hills, MI 48304
(810) 342-7007

Dated: November 25, 2020

PROOF OF SERVICE

The undersigned certifies that on November 25, 2020, a copy of the foregoing document was served upon the attorney(s) of record in this matter at their stated business address as disclosed by the records herein via:

<input type="checkbox"/>	Hand delivery	<input type="checkbox"/>	Overnight mail
<input checked="" type="checkbox"/>	U.S. Mail	<input type="checkbox"/>	Facsimile
<input type="checkbox"/>	Email	<input checked="" type="checkbox"/>	Electronic e-file

I declare under the penalty of perjury that the foregoing statement is true to the best of my information, knowledge and belief.

/s/ **Ann Marie Gordon**

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
SOUTHERN DIVISION

CARL BARNETT,

Plaintiff,

v.

WALMART, INC. d/b/a WALMART,
a misidentification of WAL-MART
STORES EAST, LP,

Defendant.

USDC Case No. 2:20-CV-13127

Hon: _____

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NOTICE OF REMOVAL TO FEDERAL COURT

TO: Clerk of the Court
Jennifer G. Damico, Esq.

NOW COMES Defendant WAL-MART STORES EAST, LP, misidentified as
WALMART, INC. d/b/a WALMART,, by and through its attorneys of record,

PLUNKETT COONEY, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, file this Notice of Removal based upon the following reasons:

1. On or about October 21, 2020, Plaintiff filed a civil action in the Wayne County Circuit Court, State of Michigan, bearing Case No. 20-013861-NO, in which Carl Barnett is the Plaintiff and WM is the Defendant. A copy of the Complaint filed in the Wayne County Circuit Court is attached to this Notice of Removal as **Exhibit A**.

2. This action, as alleged in the Complaint, is a suit brought by Plaintiff against WM for negligence and premises liability.

3. This action is between citizens of different states. The Plaintiff is a resident of the County of Wayne, State of Michigan (see Paragraph 1 of **Exhibit A**). WM is a Delaware limited partnership whose members are WSE Management, LLC and WSE Investment LLC, both of which are Delaware limited liability companies based in Arkansas). The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, which is a Arkansas limited liability company with its principal place of business in Bentonville, Arkansas. The sole member of Wal-Mart Stores East LLC is Wal-Mart Inc., formerly Wal-Mart Stores, Inc., a Delaware corporation with its principal place of business in Bentonville, Arkansas

4. WM is not a corporation created or organized under the laws of the State of Michigan and does not have its principal place of business in the State of Michigan.

5. The action filed by Plaintiff against WM is one involving complete diversity of citizenship under 28 U.S.C. § 1332 as a civil action between citizens of the State of Michigan and the State of Arkansas.

6. WM asserts it is more likely than not that the amount in controversy sought by Plaintiff exceeds the jurisdictional requirements of 28 U.S.C. § 1332(a) because Plaintiff specifically alleges total damages “in excess of \$25,000.00”.

7. Plaintiff's Complaint sets forth allegations that he suffered severe, painful and permanent injuries to his body, and or an aggravation of pre-existing conditions, including, but not limited to a traumatic brain injury, post traumatic concussive headaches, back and knee injuries, and psychological injuries.

8. This Notice of Removal is timely filed within thirty (30) days after the Complaint was filed and served upon WM, as the Complaint was served on October 28, 2020.

9. A written notice of the filing of this Notice of Removal has been given to all parties as required by law, and a proof of service is attached hereto as **Exhibit B**.

10. A written notice of this Removal has been filed with the Clerk of the Court for the Wayne County Circuit Court, State of Michigan, as provided by law.

11. Based upon the foregoing, WM is entitled to removal of this action to the United States District Court for the Eastern District of Michigan, under 28 U.S.C. § 1441, *et seq.*

WHEREFORE, Defendant, WALMART, INC. D/B/A WALMART, respectfully requests that it be allowed to effect removal of the within action from the 3rd Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan.

Respectfully submitted,

PLUNKETT COONEY

By: /s/Richard G. Szymczak
Richard G. Szymczak (P29230)
Attorney for Defendant
38505 Woodward Ave., Ste. 100
Bloomfield Hills, MI 48304
(810) 342-7007

Dated: November 25, 2020

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
SOUTHERN DIVISION

CARL BARNETT,

Plaintiff,

v.

WALMART, INC. d/b/a WALMART,

Defendant.

USDC Case No. 2:20-CV-1327

Hon: _____

Case No.: 20-013861-NO

Hon.: Muriel Hughes

JENNIFER G. DAMICO (P51403)
BUCKFIRE LAW FIRM
Attorney for Plaintiff
29000 Inkster Road, Ste. 150
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RICHARD G. SZYMCAK (P29230)
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VERIFICATION

RICHARD G SZYMCAK, first being duly sworn, states that he is the attorney for Defendant and that the foregoing Notice of Removal is true in substance and in fact to the best of his knowledge, information, and belief.

Respectfully submitted,

PLUNKETT COONEY

By: /s/**Richard G. Szymczak**

Richard G. Szymczak (P29230)

Attorney for Defendant

38505 Woodward Ave., Ste. 100

Bloomfield Hills, MI 48304

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Dated: November 25, 2020

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
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CARL BARNETT,

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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2020, I electronically filed ***Defendant's Notice of Filing Removal, Notice of Removal to Federal Court, Verification, and Certificate of Service*** with the Clerk of the Court using the ECF system, or in the alternative, I have mailed by United States Postal Service to any parties that are not ECF participants.

Respectfully submitted,

PLUNKETT COONEY

By: /s/**Richard G. Szymczak**

Richard G. Szymczak (P29230)

Attorney for Defendant

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